



## Department of Energy

Washington, DC 20585

DATE: May 21, 2008

SUBJECT: Format of Petition for Advance Waiver of Patent Rights

The attached document sets forth the format to be used by field patent counsel for a Petition for an Advance Waiver of Patent Rights under 10 CFR 784.

A handwritten signature in black ink, appearing to read "Paul A. Gottlieb", is positioned above the printed name.

Paul A Gottlieb

Assistant General Counsel for Technology Transfer and  
Intellectual Property



**UNITED STATES DEPARTMENT OF ENERGY**  
**PETITION FOR ADVANCE WAIVER OF PATENT**  
**RIGHTS UNDER 10 C.F.R. PART 784**

**DOE WAIVER NO. \_\_\_\_\_**  
**(To be supplied by DOE)**

Notice: If you need help in completing this form, contact the DOE Patent Counsel assisting the activity that is issuing your award or the Assistant General Counsel for Technology Transfer and Intellectual Property in the Office of General Counsel in DOE Headquarters. Visit:

[www.gc.energy.gov/documents/Intellectual\\_Property\\_\(IP\)\\_Service\\_Providers\\_for\\_Acquisition.pdf](http://www.gc.energy.gov/documents/Intellectual_Property_(IP)_Service_Providers_for_Acquisition.pdf) for a list of DOE Patent Counsel. Unless exceptional circumstances have been determined to exist, parties which qualify as Bayh-Dole entities under 35 U.S.C. 201 (h) or (l) are not required to petition for title. Rather, their agreement with DOE will automatically allow them to elect to retain title to inventions they make.

**Title of Contract or Proposal:**

**DOE Contract or Proposal No:**

**Name and Address of Petitioner:**

Petitioner does hereby petition the Secretary of the U.S. Department of Energy for waiver of patent rights of the United States of America to any invention(s) that may be made in the performance of work under the above-identified contract. It is understood that any waiver of rights shall be subject to the Government license, march-in rights and preference for U.S. Industry set forth in 35 U.S.C. 202, 203 and 204, regardless of whether the Petitioner is a small business or nonprofit organization.

**Patent Rights-Waiver Clause Including U.S. Competitiveness**

Petitioner understands that the Patent Rights-Waiver Clause including the U.S. Competitiveness provision, paragraph (t), will be inserted into the identified contract in place of the standard Patent Rights-Acquisition by the Government Clause. The Patent Rights-Waiver Clause can be found at: [www.gc.doe.gov/documents/patwaivclau.pdf](http://www.gc.doe.gov/documents/patwaivclau.pdf)

(Please indicate if you accept the terms and conditions of the above-identified patent waiver clause)

\_\_\_\_ Petitioner agrees to the terms and conditions of the above-identified Patent Rights-Waiver Clause, including the U.S. Competitiveness provision.

If Petitioner has comments or objections to the U.S. Competitiveness provision, paragraph (t) of the Patent Rights-Waiver Clause, Petitioner should provide a detailed

